



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/529,362

03/28/2005

Toshiaki Kakemura

970.1011

4778

21171 7590 10/08/2009
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

BURKHART, ELIZABETH A

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/529,362 | Applicant(s) KAKEMURA ET AL. | |
| | Examiner Elizabeth Burkhart | Art Unit 1792 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008 and 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/12/08, 1/30/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are pending in the application. Amended claims 1 and 3 have been noted. Claims 6-17 have been withdrawn from consideration. The amendments filed 12/2/2008 and 12/11/2008 have been entered and carefully considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (JP 2000-255579).

Ito teaches a thin film forming method for plasmatizing a mixture gas, the mixture gas consisting of a monomer gas (HMDSO) and an oxidizing reactive gas (oxygen). The thin film deposited is silicon oxide. The flow amount ratio of the monomer gas with respect to the oxidizing gas is varied during deposition (Claim 1 from machine translation). The flow amount ratio decreases continuously while forming a first thin film (Claim 2). Ito also teaches a second step of forming a thin film by increasing the flow amount ratio after the first film is formed (Claim 3). Ito further teaches an initial value of the flow amount ratio may be 0.05 (Table 1). Since Ito discloses decreasing the concentration of the monomer gas (Claim 1) and an initial flow ratio of 0.05 (table 1), the flow ratio would be 0.05 or lower within 2 to 5 seconds. Further, it would have been obvious to vary the flow ratio by gradually reducing the amount of monomer gas while

Art Unit: 1792

the amount of oxidizing gas is maintained at a substantially fixed level because Ito discloses that the concentration of the monomer gas is varied, i.e. decreased (Claims 1 and 2) and the mixture ratio of monomer to oxidizing gas is varied [0042].

Thus, claims 1-4 would have been obvious within the meaning of 35 USC 103 over the teachings of Ito.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (JP 2000-255579) as applied above in view of Verzaro et al ('497).

Ito further teaches forming the plasma by supplying high frequency power to an electrode (Abstract, [0040]). Ito does not teach controlling reflected power to be 10% or lower than the supplied high frequency power.

Verzaro teaches a plasma CVD method of depositing silicon oxide by plasmatizing a mixture gas, said mixture gas comprising HMDSO and oxygen (Col. 5, lines 17-20, Col. 4, lines 1-5). The plasma is formed by supplying high frequency power to an electrode through an impedance matching network. The reflected power is controlled to be 10% or lower than the supplied high frequency power in order to obtain a maximum efficiency in respect of the power supplied to the plasma (Col. 4, line 55-Col. 5, line 4).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to control the reflected power in the process of Ito as suggested by Verzaro in order to obtain a maximum efficiency in respect to the power supplied to the plasma.

Thus, claim 5 would have been obvious within the meaning of 35 USC 103 over the combined teachings of Ito and Verzaro.

Response to Arguments

4. Applicant's arguments filed 12/2/2008 have been fully considered but they are not persuasive. Applicant argues that Ito does not teach the newly added features of claim 1. The examiner disagrees. Since Ito discloses an initial flow ratio of 0.05 (Table 1) and decreasing the concentration of monomer gas such that the flow ratio is varied (Claims 1, 2, [0042]), the flow ratio would be 0.05 or lower within 2 to 5 seconds, or any period of time because the monomer concentration is decreased during the deposition. Further, it would have been obvious to vary the flow ratio by gradually reducing the amount of monomer gas while the amount of oxidizing gas is maintained at a substantially fixed level because Ito discloses that the concentration of the monomer gas is varied, i.e. decreased (Claims 1 and 2) and the mixture ratio of monomer to oxidizing gas is varied [0042].

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 1792

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Burkhart whose telephone number is (571)272-6647. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/529,362

Page 6

Art Unit: 1792

/Elizabeth Burkhart/
Examiner, Art Unit 1792

/Timothy H Meeks/
Supervisory Patent Examiner, Art Unit 1792